

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT

Serial No.: 10/653,821)
Filed: September 3, 2003)
For: LIMB FOR A BREATHING)
CIRCUIT)
Applicant: Gray et al.)
Examiner: Not yet assigned)
Art Unit: 3764)
Attorney Ref: 1171/41357/134)

hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

December 5, 2003

Date

Tiffany E. Sexton

Tiffany E. Sexton

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Arlington, VA. 22313/1450

Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.97 and §1.98, Applicant is not aware of any material prior art but, in an abundance of caution and candor, Applicant submits the present Information Disclosure Statement and Form PTO-1449.

JP 2000-24111 is not in the English language, therefore, included herewith is an English translation of same.

JP5052378 is also not in the English language. It is relevant because it discloses a device that's purpose is to obtain a pipe at a low manufacturing cost by a method in which the pipe is made of a belt-like tape, which is wound spirally with its side edge double, and at least a part of the double part of the tape is adhered, so that a peripheral wall of the pipe does not attached to each other when a number of pipes are bundled.

A pipe A is formed by winding a beltlike tape T spirally. The tape T is doubled at its side edge part 1, and a doubled part 2 is welded by heat to each other. As a thickness of the doubled part 2 is larger than that of the other part, a peripheral wall 3 of the pipe A expands outside at the double part 2. Accordingly, only by bundling a number of the pipes A with the peripheral walls 3 of the adjacent pipes A contacted with each other at the doubled parts 2 where a diameter is large, a prescribed space S can be procured between the peripheral walls 3 excluding the doubled

part 2. If the pipe is employed in a humidifier of a heat exchanger, a humidifying area or a heat exchanging area can be obtained widely.

With regard to the one page printed from the Sympatex website (<http://www.permapure.com/104.html>) regarding the "Perma Pure Inc. New PD™-series gas dryers", Applicant submits that this document discloses an in-line gas drying product for industrial applications. The Perma Pure dryer element is a bundle of 0.03 inch diameter Nafion tubes housed within a tubular housing. A dry purge gas passes through the housing counterflow to the sample flow through the Nafion tubes. Applicant admits that this page was publicly available at least as early as May 9, 2000. Therefore, consideration of this document is requested.

With regard to the one page printed from the Sympatex website (<http://www.sympatex.com/1questions.html>), Applicant submits that this document discloses a waterproof and breathable product for use with textiles for the clothing industry. Applicant admits that this page was publicly available at least as early as May 4, 2000. Therefore, consideration of this document is requested.

Also enclosed is an abstract of Australian Publication No. 200143823. It is relevant because it discloses a breathing circuit component that includes an inlet, an outlet and an enclosing wall. The enclosing wall defines a gases passageway between the inlet and the outlet. At least a region of the enclosing wall is formed from a breathable material that allows the passage of water vapour without allowing the passage of liquid water or respiratory gases. The breathing circuit component may be the expiratory limb for a breathing circuit.

Enclosed is a copy of a European Search Report dated May 14, 2003 which issued in connection with a a corresponding European application.

Applicant also advises the Examiner of co-pending United States patent applications Serial Nos. 09/850,797 and 10/622,755.

This Information Disclosure Statement is being filed before the receipt of the first Office Action on the merits and constitutes a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

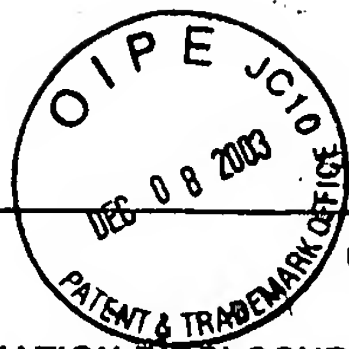
In accordance with 37 C.F.R. §1.97, the presentation of this information shall not be construed as a representation that no other material information as defined in 37 C.F.R. §1.56 exists, or as an admission that the information cited in this statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

Should the Examiner believe a fee is required, the United States Patent and Trademark Office is hereby authorized and requested to charge the fee to the deposit account of the undersigned firm, Account No. 20-1495.

Respectfully submitted,

Dated: Dec 6, 2003

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Form PTO-1449 (Rev. 2-83)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 1171/41357 134		SERIAL NO. 10/653,821								
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				APPLICANT: Gray										
				FILING DATE: September 3, 2003		GROUP 3764								
U.S. PATENT DOCUMENTS														
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
		4	7	0	8	8	3	1	11/24/87	Elsworth et al.				
		5	9	8	3	8	9	6	11/16/99	Fukunaga et al.				
		5	2	8	4	1	6	0	02/08/94	Dryden				
		4	4	6	3	7	5	5	08/07/84	Suzuki				
		4	4	6	2	3	9	7	07/31/84	Suzuki				
		4	2	6	5	2	3	5	05/05/81	Fukunaga				
		3	8	5	6	0	5	1	12/24/74	Bain				
		4	3	3	7	8	0	0	07/06/82	Carlson et al.				
		5	2	8	4	1	6	0	02/08/94	Dryden				
		5	2	3	3	9	9	6	08/10/93	Coleman et al.				
		4	9	6	7	7	4	4	11/06/90	Chua				
		5	0	4	2	5	0	0	08/27/91	Norlien et al.				
		6	3	9	4	1	4	5	05/28/02	Bailly				
		4	3	4	3	6	7	2	08/10/82	Kanao				
		4	8	0	8	2	0	1	02/28/89	Kertzman				
		4	0	4	8	9	9	3	09/20/77	Dobritz				
		5	4	6	1	1	2	2	10/24/95	Yilgor et al.				
		4	7	0	5	5	4	3	11/10/87	Kertzman				
		5	6	3	7	1	6	8	06/10/97	Carlson				
		5	8	4	8	2	2	3	12/08/98	Carlson				
		5	4	5	4	0	6	1	09/26/95	Carlson				
FOREIGN PATENT DOCUMENTS														
		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
		2	1	3	9	1	1	0	08/15/83	Great Britain				
	20	0	0	2	4	1	1	1	01/25/00	Japan				
		5	0	5	2	3	7	8	03/02/93	Japan				
		6	2	1	0	5	0		04/07/94	Europe				
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)														
		One page off the Perma Pure Inc. website of the product brochure #104 of the New PD™-Series Gas Dryers.												
		Three pages off the SympaTex website of some of the most common questions that are asked and some technical data on the SympaTex membrane.												
		United States Patent Application Publication No.: US2002/0195104, Published on December 26, 2002, Inventor Fini et al. entitled: APPARATUS FOR INCREASING THE HUMIDIFICATION OF THE AIR STREAM BREATHED BY A PATIENT												
		United States Patent Application Publication No.: US2003/0028139, Published on February 6, 2003, Inventor Inoue; entitled: PNEUMOPERITONEUM GAS HEATING AND HUMIDIFYING APPARATUS AND DEVICE FOR INDUCING PNEUMOPERITONEUM												
EXAMINER										DATE CONSIDERED				
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.														



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(Use several sheets if necessary)

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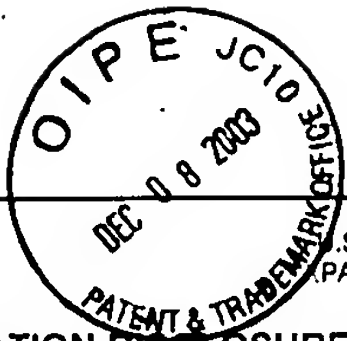
FOREIGN PATENT DOCUMENTS

[illegible]

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

DATE CONSIDERED

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	3	8	8	9	7	1	7	06/17/75	Obadal et al.					
	4	2	6	5	2	3	9	05/05/81	Fischer, Jr. et al.					
	4	3	3	6	7	9	8	06/29/82	Beran					
	4	4	2	0	0	1	6	12/13/83	Nichols					
	4	4	5	6	0	3	4	06/26/84	Bixby					
	6	0	7	8	7	3	0	06/20/00	Huddart et al.					
	4	0	0	7	7	3	7	02/15/77	Paluch					
	4	2	0	7	4	5	7	06/10/80	Haglund et al.					
	4	3	2	7	7	7	5	05/04/82	Tally					
	4	6	5	3	5	4	2	03/31/87	Tascher					
	4	6	8	6	3	5	4	08/11/87	Makin					
	4	6	9	8	8	9	0	10/13/87	Neaves					
	4	7	9	1	9	6	3	12/20/88	Gronert et al.					
	5	8	9	4	8	3	9	04/20/99	Rosenkoetter et al.					
	6	1	4	8	8	1	8	11/21/00	Pagan					
	6	1	6	7	8	8	3	01/02/01	Beran et al.					
	6	5	3	6	4	2	8	03/25/03	Smith et al.					
	3	9	1	0	8	0	8	10/07/75	Steward					
FOREIGN PATENT DOCUMENTS														
											CLASS	SUB CLASS	TRANSLATION YES NO	
	wo	9	7	1	8	0	0	1	05/22/97	International				
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)														
		United States Patent Application Publication No. 2002/0002976 Published on January 10, 2002 entitled Conduit With Heated Wick; Inventors Smith and Baldwin												
		Australian Patent Application No. 200143823 Published on November 15, 2001 entitled Components for Breathing Circuits; Inventors Smith, Baldwin, Powell and Millar												
EXAMINER										DATE CONSIDERED				
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